REMARKS

This Submission Under 37 C.F.R. 1.114 accompanies Applicants' Request for Continued Examination and is in supplemental response to the final Office Action mailed December 20, 2004 and is in response to the Advisory Action mailed April 6, 2004. By this response, claims 1, 9 and 20 are amended.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Rejections under 35 U.S.C. §103

Claims 1-14, 17 and 19-25

The Examiner maintains the rejection of claims 1-14, 17 and 19-25 under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent 6,675,385, hereinafter "Wang") in view of Legall et al. (U.S. Patent 6,005,565, hereinafter "Legall"). The Applicants respectfully traverse the rejection.

The Applicants' independent claim 1 (as amended) recites:

> A method for searching a program guide database, comprising:
> receiving, from service provider equipment, an interactive program guide (IPG) comprising a plurality of IPG pages conveyed by respective video streams, each of said IPG pages including a search object and a respective portion of IPG imagery;
> receiving one or more search criteria via user interaction with said search object;
> sending a request for a search along with the one or more search criteria to a head end of an information distribution system;
> receiving at least one search result from the service provider equipment; and
> wherein the program guide database is searched at the service provider equipment.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather, the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). The combination of Wang and Legall fails to teach or suggest the Applicants' invention as a whole.

With respect to the cited references, the Examiner is respectfully directed to the discussions and arguments associated with the cited references presented in Applicants' previous Office Action responses.

One difference between the cited references and the claimed invention has been clarified by more clearly defining the claimed IPG pages as being "conveyed by respective video streams" (per claim 1) and "encoded as a video stream" (per claim 20). Specifically, the headend within a system adapted to operate in accordance with the present invention provides IPG pages as video streams which are adapted for transmission via a video distribution channel. The IPG pages may be encoded as, illustratively, MPEG video streams. This is entirely unlike the cited references where IPG pages are provided as simple HTML pages via a computer network.

There is no teaching in the cited references of encoding, at a headend, IPG pages as video streams for transmission via a video distribution channel. Rather, the cited references are clearly directed toward the use of a non-video distribution channel, such as a standard computer network, to convey HTML pages (i.e., non-video streams) which may operate within the context of an interactive program guide. This is simply not the same as the claimed invention, nor are the teachings of any of the references, either singly or in any combination, representative of the structure of claims 1 or 20.

Thus, for the additional reasons discussed herein, the Applicants respectfully request that the Examiner's rejection be withdrawn and that claims 1 and 20 be allowed. Moreover, since all of the dependent claims depend, either directly or indirectly, from claims 1 or 20 and recite additional limitations therefrom, the Applicants also respectfully request that the rejections of any of the dependent claims also be withdrawn and that these claims proceed to issue.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Steven M. Hertzberg at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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